

ENTERED

July 26, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DANIEL ASKINS,

Plaintiff,

VS.

JEFFREY B HAGOPIAN, *et al*,

Defendants.

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CIVIL ACTION NO. 4:16-CV-1370

FINAL JUDGMENT

After the plaintiff, Daniel Askins, completed his presentation of evidence and before the defendant, Jeffrey B. Hagopian, presented any evidence, or the case being submitted to the jury, the defendant moved for judgment as a matter of law on the plaintiff's suit pursuant to FRCP Rule 50(a)(1)(A)(B). The Court received the defendant's argument and the response from the plaintiff and determined that the motion was meritorious.

The Court stated its reasoning on the record and concluded that the evidence failed to establish at least one element of the plaintiff's defamation claim, *i.e.*, that his reputation had been damaged. As well, there was no evidence that the plaintiff suffered a financial loss. Both he and the defendant were terminated by their common employer. Therefore, his defamation claim failed. Likewise, the plaintiff's claim for *per se* defamation failed.

The evidence failed to establish that the information reported by the defendant to his employer was false and not subject to qualified privilege due to the context, *i.e.*, the investigation that ensued. *See Randall's Food Mkts., Inc., v. Johnson*, 891 S. W. 2d 640, 646 (Tex. 1995). Finally, there is no evidence that when the defendant made the statement, he knew the statement to be false or made it in a reckless manner. *Id.*

Based on the foregoing, the Court GRANTS the defendant's motion for judgment as matter of law. The plaintiff shall take nothing by his suit.

This is a Final Judgment.

SIGNED on this 26th day of July, 2017.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge